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Report of the Secretary-General on children and armed conflict in the Philippines

Summary

The present report was prepared pursuant to Security Council resolution 1612 (2005) and subsequent resolutions. It covers the period from 1 December 2009 to 30 November 2012 and is the third report of the Secretary-General on the situation of children and armed conflict in the Philippines to be submitted to the Council and its Working Group on Children and Armed Conflict. The report provides information on grave violations against children, identifies parties to the conflict responsible for such violations and describes progress made on dialogue, action plans and other child protection commitments in the Philippines.

The report includes developments regarding the Moro Islamic Liberation Front (MILF) and its breakaway faction, the Bangsamoro Islamic Freedom Fighters; the New People's Army (NPA); the Abu Sayyaf Group; and the Armed Forces of the Philippines. It also presents measures taken towards implementation of the United Nations-MILF Action Plan, signed in August 2009, to halt and prevent the recruitment and use of children in armed conflict; engagement with the National Democratic Front of the Philippines, the political arm of NPA, on the protection of children affected by armed conflict; and dialogue with the Government of the Philippines on the development of an AFP strategy on children and armed conflict.

Finally, the report provides a series of recommendations to all parties and actors concerned with a view to ensuring the better protection of children in conflict-affected areas in the Philippines. In particular, all parties are urged to engage with the United Nations on the negotiation or full implementation of action plans. The international community is encouraged to assist with the development and implementation of such action plans, including through the allocation of resources.

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I. Military, social and political developments in the Philippines

1. The President of the Philippines, Benigno Aquino III, assumed office in June 2010. With a view to bringing peace to the Mindanao region, the Aquino Administration has prioritized conflict resolution through peace talks with the Moro Islamic Liberation Front (MILF) and negotiations with the National Democratic Front of the Philippines/New People's Army (NDFP/NPA), and has committed itself to investing in responsive social programmes that address the root causes of conflict. Guided by its peace and development framework, *Payapa at masaganang pamayanan* (PAMANA), or "Peaceful and prosperous communities", the Administration has aimed to reduce poverty in conflict-affected areas through community infrastructure, delivery of social services, improved governance and capacity-building of communities. Throughout 2009, the Government of the Philippines enacted a number of special laws that penalize the use of torture and other cruel, inhuman and degrading treatment committed by government agents and other persons in positions of authority (Republic Act 9745), as well as crimes under international humanitarian law, genocide and crimes against humanity committed by State and non-State actors (Republic Act 9851). Moreover, on 1 November 2011, the Government ratified the Rome Statute of the International Criminal Court.

2. While the reporting period has generally seen a decline in the number of large-scale armed hostilities, low-intensity conflict continued in one fourth of the more than 42,026 villages or *barangays* in the Philippines, mainly in the Visayas and Mindanao. The security situation largely improved during the second half of 2009 until the Maguindanao massacre, in November 2009, an armed attack related to clan-based violence in which more than 50 persons were killed. This event triggered a major political realignment in the Autonomous Region of Muslim Mindanao (ARMM) and prompted the Government to deploy, in mid-July 2010, troops of the Armed Forces of the Philippines (AFP) to the province to conduct military offensives to defuse the conflict between warring clans. These intermittent armed clashes between rival clans, otherwise known as *rido*, continued to affect the situation in Mindanao during the reporting period, often leading to large-scale displacement of the civilian population. Owing to this prevailing situation of insecurity, at the time of writing, nearly 70,000 persons remain displaced, 80 per cent of whom are women and children.

3. In December 2010 the Government requested the Malaysia-led International Monitoring Team to extend its duty, with a view to creating a stable environment for the resumption of Government-MILF peace talks scheduled for early 2011. The presence of the Team, together with the joint AFP-MILF Coordinating Committee on the Cessation of Hostilities (CCCH), has proven to be an effective tool in the reduction of skirmishes in Mindanao. In October 2012 the Government and MILF signed a framework for a comprehensive peace agreement, providing momentum to accelerate the full implementation of the United Nations-MILF action plan. The framework agreement ensures specific social protection mechanisms for vulnerable groups in Bangsamoro areas, with particular emphasis on women and children. The local elections in ARMM, initially scheduled for August 2011, were postponed by Republic Act 10153 in order to synchronize national and local elections planned for May 2013, which renewed tensions in Mindanao. Since October 2012, a number of incidents have occurred that involve the use of improvised explosive devices during registration of voters and candidates.

4. Meanwhile, NDFP, the political wing of NPA, declared a 19-day Christmas ceasefire, from 16 December 2010 to 3 January 2011, as a precursor to negotiations between the Government and NDFP scheduled for mid-January 2011, with the aim of preparing the groundwork for larger peace talks scheduled to be held in Oslo in February 2011. The Government reciprocated and observed the suspension of offensive military operations as a confidence-building measure. However, NPA-related security incidents continued to occur throughout the reporting period, often coinciding with the commemoration of anniversaries of the armed group or its leaders. A gradual increase in NPA attacks was observed from June to December 2012, which related to the lack of progress in the peace talks, the arrest of NPA fighters and AFP military raids on NPA camps. In May 2013 the Government announced that the peace talks with NDFP/NPA had collapsed after three years of negotiations. A fresh surge in armed hostilities ensued.

Armed Forces of the Philippines

5. In the context of *Bayanihan*, the internal peace and security plan of the Government of the Philippines, AFP has made efforts to institutionalize human rights principles in its overall security operations. In 2011 the AFP Human Rights Office launched its handbook on human rights and international humanitarian law to serve as a resource for training of the military, and as a guide for the conduct of operations. The plan also paved the way for stronger collaboration between the military and civilian agencies, especially in efforts that aim to address the causes of conflict, thereby signalling a more civilian rather than a military approach to conflict resolution. With regard to the Citizen Armed Force Geographical Unit (CAFGU), Executive Order 546 (2006) permits AFP to provide logistical, material and tactical support to these force multiplier groups sanctioned by the local Government. These groups, in principle, are tasked with supporting AFP in areas vulnerable to conflict. AFP recruits and trains the CAFGU cadres, whereas regular CAFGU members are locally recruited and supervised. In this regard, AFP conducted a workshop for non-commissioned officers and enlisted personnel acting as "mobile training teams" to CAFGU detachments, with specific focus on relevant national legislation, international humanitarian law and child rights.

Moro Islamic Liberation Front

6. The number of armed skirmishes between AFP and MILF significantly decreased in 2010 and 2011, and practically ceased in 2012. After the initial reciprocal suspension of military operations, talks were initiated between the Government and MILF in 2012, under the auspices of the Government of Malaysia. In June 2010 a joint declaration of continuity for peace negotiations between the Government and MILF was issued, leading to the formal resumption of peace negotiations in 2011. In April 2011 the Government and MILF negotiating panels reaffirmed their commitment to security and immunity guarantees, and agreed to resume the Ad Hoc Joint Action Group, a joint mechanism to address criminal activities in the areas influenced by MILF. Following formal talks, held in October 2012, the parties signed a framework agreement that sets out the principles and mechanisms towards the realization of a new political entity, called "Bangsamoro", to replace ARMM.

Bangsamoro Islamic Freedom Fighters

7. During the formal Government-MILF peace talks in April 2011, MILF confirmed that commander Kato remained part of their organization but had formed a splinter faction called the Bangsamoro Islamic Freedom Movement (BIFM), with, as an armed wing, the Bangsamoro Islamic Freedom Fighters (BIFF). When the MILF leadership imposed a deadline of 26 September 2011 for commander Kato to rejoin the Front and disband BIFM, he refused to do so. While peace negotiations between the Government and MILF continued in August 2012, BIFF conducted a series of attacks against AFP in Maguindanao province, displacing at least 39,000 civilians. This offensive was jointly condemned by the Government and MILF negotiating panels as an attempt to derail the peace process. BIFF-initiated skirmishes persisted in October 2012, as the talks between the Government and MILF progressed into the signing of a framework for a peace agreement. As of August 2012, MILF was coordinating with AFP to prevent further BIFF attacks. BIFM continued to make public statements opposing the peace talks, stating that they compromised the call of the Moro people for a separate Bangsamoro State.

New People's Army

8. Formal talks between the Government and NDFP resumed in February 2011. The Government negotiating panel reaffirmed previous agreements and both parties agreed to an accelerated time frame of 18 months to complete the substantive agenda on socioeconomic, political and constitutional reforms, the end of hostilities and the disposition of forces. The Joint Monitoring Committee for the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, in place since 2004, was also reconvened to discuss its operational functionality, including the consolidation of complaints and the conduct of joint investigations. Further negotiations, however, were stalled until mid-2012, after which both parties agreed to meet informally to discuss a sustained resumption of negotiations. The talks were scheduled to take place in Norway in October 2012. However, the Government did not meet the NPA precondition to negotiate the release of 18 prisoners and concern remained over the implementation of a ceasefire, the use of landmines and the application of the Joint Agreement on Safety and Immunity Guarantees. In May 2013 the Government announced that the peace talks with NDFP/NPA had collapsed after three years of negotiations. A fresh surge in armed hostilities ensued.

Abu Sayyaf Group

9. Although reportedly decreasing in strength, the Abu Sayyaf Group (ASG) remains active in the provinces of Basilan, Sulu, Tawi-Tawi and the Zamboanga peninsula. Kidnap-for-ransom remains endemic in western Mindanao, with ASG perceived to be at the centre of such criminal activity. Extortion and ideologically motivated attacks have been on the rise during the reporting period. Despite its dwindling command, an increase was observed in the number of ASG-initiated attacks throughout the reporting period. In October 2011 armed hostilities between AFP and ASG displaced over 28,000 individuals in Basilan and Zamboanga Sibugay. The government strategy towards ASG is a combination of military and law enforcement operations, while ASG continues to conduct attacks against government forces and officials. There is no formal dialogue between ASG and the Government. The ongoing kidnap-for-ransom activities by ASG render humanitarian access to Sulu, Basilan, Tawi-Tawi and the Zamboanga peninsula extremely challenging.

II. Grave violations against children

10. Grave violations against children continued to be perpetrated by all parties in the Philippines throughout the reporting period. The country task force continued to face some challenges regarding monitoring and reporting on violations. The limited number of verified incidents can be attributed to the lack of funding and limited human resources capacity for the implementation of the monitoring and reporting mechanism, and to security constraints for monitors, which affects access to the particularly remote areas of concern. A significant portion of south-western Mindanao continues to be restricted for United Nations travel, in particular areas where NPA, BIFF and ASG are present. As a result, the information contained in the present report is believed to be only indicative of the real number of violations against children. In the period under review, the parties to the conflict responsible for grave violations against children include MILF and its breakaway faction BIFF, NPA, ASG as well as AFP, and its associated CAFGU. The most affected regions continued to be western and central Mindanao and the Visayas. The most recurrent violations were killing incidents affecting schools, followed by the killing and maiming of children and the recruitment and use of children.

A. Recruitment and use of children

11. In the reporting period, the country task force received reports of 51 incidents of recruitment and use of children, which involved at least 59 children. These cases include at least 52 boys and 7 girls from 10 to 17 years of age. The majority of these cases refer to the use of children in support functions.

Moro Islamic Liberation Front

12. Despite the signing of the United Nations-MILF action plan in 2009 and the subsequent issuance of the supplemental general order, MILF continued to train children and provide them with weapons and uniforms. The country task force recorded 12 incidents of recruitment and use of children that implicate MILF. Of these, seven incidents were verified, involving 16 boys from 13 to 17 years of age and one 17-year-old girl. The children were used for combatant and support roles, including as sentries and messengers, maintaining weapons and transporting ammunition.

13. Some of the aforementioned children wore full fatigues and carried bandoliers with ammunition. In September 2010 the country task force verified that the MILF 106th Base Command was using children in combat and non-combat roles. Three boys from 13 to 16 years of age were seen dressed in full fatigues and carrying automatic weapons at a public event. In early 2011 the country task force verified two incidents of children carrying automatic weapons and performing military duties. Seven boys from 12 to 16 years of age were seen armed and in uniform. In July 2012 the country task force verified the recruitment of children by the 103rd Base Command in Lanao del Sur province. Two children, a 16-year-old boy and a 17-year-old girl, described their daily activities as MILF recruits, including martial arts training and weapons maintenance.

14. Children associated with MILF are usually not forcibly recruited; rather, they are drawn into participation owing to social influences and economic pressures.

Many children considered to be associated with MILF live in their own communities and sometimes still attend school. This poses specific challenges related to the identification of children associated with MILF and to the separation of these children from the group.

Bangsamoro Islamic Freedom Fighters

15. Since July 2011, credible allegations were received regarding the recruitment of children as young as 10 years of age by BIFF, led by commander Kato. Credible reports indicate the presence of young girls carrying automatic weapons and chanting slogans. In August 2012 it was reported that dozens of children were present in a BIFF training camp, marching, executing drills and undergoing a graduation ceremony. Owing to security restrictions, these allegations could not be verified at the time of writing.

New People's Army

16. NDFP continued to claim that its military wing, NPA, does not recruit children for direct participation in hostilities. NDFP, however, stated that NPA does not adhere to the definition of recruitment and use of children set out in the Paris Principles of 2007, and admits that it recruits, trains and uses children for non-combat purposes. However, children continue to be injured and killed in hostilities as an immediate result of their association with NPA. Twelve incidents of the recruitment and use of children by NPA were recorded that involved eight boys and six girls. Of these, the country task force verified four incidents that involved four girls from 14 to 17 years of age and three boys 16 years of age. The children testified that their association with NPA involved combat and non-combat roles. In September 2011, for example, the country task force verified the association of a 16-year-old girl with NPA in Negros Oriental Province. Her commanders knew her age and tasked her with conducting community outreach seminars and other support functions. She travelled with the armed group, stayed in their encampment and was trained in combat techniques and the use of weapons.

Abu Sayyaf Group

17. During the period under review, the country task force received reports of six incidents of recruitment and use of children attributed to ASG, involving at least 17 boys from 13 to 17 years of age. Although the country task force was unable to verify all incidents owing to security constraints, the consistency of these reports demonstrates that ASG actively recruits children and uses them to conduct kidnap-for-ransom activities and for combat roles. Information indicates that families receive financial compensation for the participation of their children in ASG activities and that the prospect of material reward remains the prime motivational force. The country task force verified the recruitment of 10 boys from one community in Basilan province in 2011-2012. Reports further suggested that children participated in ASG combat operations against AFP in Sulu and Basilan provinces. On 14 September 2012, for example, a 13-year-old boy armed with an M-203 grenade launcher was killed during an armed encounter with AFP.

Armed Forces of the Philippines and the Citizen Armed Force Geographical Unit

18. The country task force received 14 reports of use of children by AFP and 7 by the associated CAFGU. Incidents involving AFP were generally related to the use of children as guides and informants in military operations against NPA. In most reported incidents children remained associated with AFP battalions from a couple of hours and up to a few days, and later escaped or were released. These incidents pose serious threats to the physical safety of children and expose them and their communities to risks of retaliation by NPA elements.

19. In April 2011, AFP conducted a military operation in Abra province, in which children were used as informants and were questioned about the location of military camps and community members sympathetic to armed groups. In May 2011 a 13-year-old boy in Kili municipality, Abra province, was forced to guide members of the 54th Infantry Battalion in pursuit of NPA fighters. The community pleaded for his release and the boy was allowed to return home after a day. In July 2012 members of the 57th Infantry Battalion forced two young boys, 12 and 13 years of age, to accompany them on an NPA pursuit operation in North Cotabato province. The children escaped after several hours and returned home.

20. While concrete measures have been taken by AFP to ensure that children are not recruited into CAFGU, including the issuance of directives, incidents show that CAFGU units have used children mostly while operating in remote areas. In April 2011 a 14-year-old boy in Lambayong municipality, Sultan Kudarat province, was identified as a CAFGU member, seen in a uniform carrying a rifle and providing security at a public event. In June 2011 a 16-year-old male member of CAFGU was killed in Surigao del Sur province in an NPA ambush.

21. The country task force also observed that AFP continued to publicly release the names and pictures of children, labelling them as alleged members of armed groups, a practice which poses serious protection concerns. Throughout the reporting period, six such cases were verified that involved seven boys and three girls. Some of these children were forced to relocate out of fear of reprisal by AFP elements. In June 2011, for instance, the 4th Infantry Division reported that it had encountered three children during military operations against NPA in Surigao del Sur province. The names of the boys, from 10 to 12 years of age, were released to the media and the children were labelled as "child soldiers" and accused of having participated in an ambush that targeted AFP soldiers.

Detention of children by the Armed Forces of the Philippines for alleged association with armed groups

22. The detention by AFP and other security forces of children allegedly associated with armed groups also remained of concern during the reporting period. The country task force verified six such incidents that involved six boys and three girls. In May 2012 a 16-year-old boy injured in the crossfire during an armed encounter between AFP and NPA in Agusan del Sur province was brought to a hospital by members of the 25th and 75th Infantry Battalions. After arriving at the hospital, the soldiers were given orders to relocate him before he had been properly treated and the boy was subsequently taken on an eight-hour journey to a military camp hospital. The child was later accused of being an NPA member, was not allowed to communicate with his family and was interrogated. He was eventually released by AFP after 11 days in custody. In another case, on 22 March 2012, in San Andres municipality in

Quezon province, a 16-year-old boy was arrested by the 74th Infantry Battalion for alleged association with NPA. He spent more than a month in a provincial jail before being transferred into the custody of a government social welfare institution.

B. Killing and maiming of children

23. During the period under review, the country task force recorded 100 incidents of killing and maiming. Of these, it verified 42 incidents that involved the injuring of 21 boys and 25 girls, and the killing of 15 boys and 3 girls. Most reports relate to crossfire incidents and indiscriminate shootings during armed encounters. Children have also been victims of improvised explosive device attacks, landmine incidents and unexploded ordnance. Cases have been attributed to MILF (11), NPA (11), ASG (8), AFP (31), CAFGU (8) and unidentified perpetrators (31).

Moro Islamic Liberation Front

24. In the reporting period, 11 cases of killing and maiming attributed to MILF were recorded. Most cases involving MILF were related to fighting between Moro communities. Members of these communities rarely access the public justice system and settlements between warring parties are often brokered by MILF, including instances where children were victims. Conflicts between MILF commanders in affected communities continue to expose to risk civilians, including children. In one incident, on 14 September 2011, an armed encounter between MILF and BIFF commanders in Datu Piang municipality, Maguindanao province, led to the injury of a 17-year-old child in the crossfire. In another incident, on 25 July 2012, a 14-year-old girl in Sultan Sa Barongis municipality, Maguindanao province, was shot and wounded during a dispute between MILF commanders.

New People's Army

25. The country task force recorded 11 incidents of killing and maiming of children attributed to NPA. The armed group continued to conduct high-profile attacks against AFP that often resulted in civilian casualties. Despite its stated commitment to adhere to international humanitarian law, NPA resorts to ambush tactics and attacks with improvised explosive devices in public places. In one case, on 8 December 2010, an NPA ambush on a public boat that carried soldiers and civilians in Las Navas municipality, Northern Samar province, resulted in the killing of a 15-year-old boy. On 14 December 2010, in the same municipality, NPA ambushed elements of the 63rd Infantry Battalion, killing 10 soldiers and a 9-year-old boy. In another incident, on 1 September 2012, members of the Merado Arce Command of NPA threw a grenade at a military outpost in Paquibato district, Davao City, which landed in a public gathering where the community had congregated to watch a circus performance. More than 50 people were injured, including 12 boys and 9 girls from 4 to 17 years of age. NDFP issued an official apology to the families of the victims. No information is available, however, on the actions taken to hold the perpetrators accountable.

Abu Sayyaf Group

26. The country task force was able to attribute responsibility to ASG for eight recorded cases of killing and maiming of children, including through the use of

ambush tactics, landmines and improvised explosive devices. Verification of these cases remains challenging owing to the prevailing situation of insecurity in areas of ASG operations. On 27 November 2011, ASG reportedly bombed a church in Jolo municipality, Sulu province, in which a 9-year-old girl was injured. On 27 November 2011, a bomb explosion in a hotel in Zamboanga City, attributed to ASG, resulted in the injuring of two girls 2 and 4 years of age.

Armed Forces of the Philippines

27. AFP and CAFGU have been involved in 39 incidents of killing and maiming. In the course of its military operations, AFP was reportedly involved in attacks on residences or other locations where NPA fighters were allegedly present. On 18 October 2012, for instance, two boys, 8 and 13 years of age, were killed and one 5-year-old girl was injured when members of the 27th Infantry Battalion strafed their house in Kiblawan municipality, Davao del Sur province. Following this incident, AFP relieved and restricted to their barracks one officer and 11 enlisted personnel, who, at the time of writing, were undergoing pretrial investigation by the General Court Martial. In a similar case, on 25 February 2012, soldiers of the 49th Infantry Battalion opened fire on a residence allegedly harbouring an NPA fighter in Labo municipality, Camarines Norte province, resulting in the death of two boys 7 and 10 years of age, and the injuring of a 14-year-old girl.

Unidentified perpetrators

28. The country task force recorded a further 31 incidents that involved unexploded ordnance and the use of improvised explosive devices by unidentified perpetrators. Of these, 13 cases relate to attacks with improvised explosive devices on schools and 7 relate to grenade-throwing by hooded men riding motorcycles. This resulted in the killing of 7 children and the injuring of 20 children throughout the reporting period. The majority of these cases took place in the region of Central Mindanao.

C. Sexual violence against children

29. During the reporting period, the country task force recorded nine incidents of sexual violence against children in the context of the prevailing situation of conflict, of which three were verified. While the number of incidents may be underreported owing to fear, and fear of stigmatization, the information available suggests that these remain isolated cases. In one incident, on 16 October 2011, a 17-year-old girl was gang-raped by three soldiers of the 16th Infantry Battalion in Baras municipality, Rizal province. While the perpetrators tried to settle the case with the families, they were formally dismissed from their posts and are now facing criminal charges. In another case, on 17 February 2012, a 16-year-old girl was abducted and raped over a three-day period by an AFP officer in Mankayan municipality, Benguet province. Although the alleged perpetrator was charged, the case has been put on hold pending the psychological recovery and testimony of the victim. In a third case, on 1 June 2011, a 17-year-old girl was gang-raped by a number of men, including two active members of CAFGU, during a village celebration in Negros Occidental province. The Provincial Prosecutor's Office did not pursue the case and the suspects were not apprehended. At the time of writing, the family of the victim continued to receive death threats. It is important that AFP put in place mechanisms

to halt and prevent sexual and gender-based violence, take appropriate sanctions against perpetrators and ensure that no adverse action is taken against the victims.

D. Abduction of children

30. During the period under review, the country task force received reports of four cases of abduction of children attributed to ASG, none of which could be verified owing to security constraints. ASG reportedly engaged in kidnap-for-ransom and extortion activities that targeted children, teachers and health-care workers, with a view to gaining financial resources to provide support for its operations. According to anecdotal information, ASG kidnap-for-ransom activities also involved non-ASG community members, including children, acting as lookouts, abductors and guards.

E. Attacks on schools and hospitals

31. In the reporting period, the country task force recorded 150 incidents that affected schools and hospitals. Armed groups, including MILF, NPA and ASG, were responsible for 88 incidents that involved direct attacks on education and health facilities, or damage by grenades, improvised explosive devices or crossfire. AFP was responsible for 62 incidents that affected schools and hospitals, including mainly the military use of schools. It should be noted, however, that the country task force observed a significant decrease in the number of incidents attributed to AFP from 2010 to 2013.

Moro Islamic Liberation Front

32. The country task force verified five incidents attributed to MILF that affected schools, including the partial destruction of three schools and the military use of two others. On 19 May 2010, armed clashes erupted between a MILF commander and the security forces of a local government unit in Sultan Sa Barongis municipality, Maguindanao province. The MILF commander set fire to houses, an elementary school and a *madrasah*. The leadership of MILF later suspended the commander as a disciplinary measure. On 18 August 2011, clashes between MILF and BIFF in Datu Piang municipality, Maguindanao province, resulted in the partial destruction of two elementary schools and serious damage to a *madrasah*, which was hit by a rocket-propelled grenade. MILF was also responsible for the military use of schools. On 24 October 2011, for example, 40 elements of the 113th Base Command used a school in Zamboanga Sibugay province during an encounter with AFP.

New People's Army

33. On 11 May 2010, NPA ambushed a government convoy en route to a polling station in Compostela Valley province. Among the casualties was a schoolteacher acting as part of the board of election inspectors during the national elections of 2010. NPA apologized for the incident in a public statement. In another case, on 25 August 2011, NPA placed an improvised explosive device on the grounds of an elementary school in Panabo municipality, Davao del Norte province. The device was detonated to attract the attention of an AFP detachment recently established by the 67th Infantry Battalion, but did not result in casualties. In two other incidents, NPA conducted attacks on AFP detachments located near schools.

Abu Sayyaf Group

34. During the reporting period, ASG continued to target education and health personnel for extortion. In one incident, in June 2010, classes were suspended in an elementary school in Patikul municipality, Sulu province, allegedly after teachers repeatedly received letters containing threats. As a result, the school closed for a period of six months until adequate security arrangements could be made. In two other incidents, in May 2010, ASG burned down two schools in Basilan province, affecting the education of at least 150 children.

Armed Forces of the Philippines

35. The country task force recorded 62 incidents that affected schools and hospitals, implicating AFP. Throughout the reporting period, a significant decrease was observed in incidents. The majority of these incidents included the military use of schools (28) and rural health units (3), in contravention of Philippines national law (Republic Act 7610). In one case, in November 2010, the 54th Infantry Battalion used a school building in Kili *barangay*, Tubo municipality, Abra province, as military barracks, with two large artillery guns on the school grounds and ammunition stacked in the open. In another incident, in July 2011, the 69th Infantry Battalion established a detachment adjacent to an elementary school in Paradise Embac *barangay*, Paquibato district, Davao City. During the period under review, three armed encounters took place in the immediate vicinity of this school, prompting the community to file a formal complaint with the city council relating to the presence of an AFP unit nearby the school.

Unidentified perpetrators

36. In addition, the country task force verified six cases of threats against or harassment of education and health personnel, and two attacks on hospitals by unidentified perpetrators. As a result of these incidents, an estimated 2,845 children were deprived of their education, either temporarily or for protracted periods of time, mainly in MILF-controlled areas.

37. Concern also remains over the use of schools as polling stations and the participation of education personnel as polling officers during elections, as stipulated in Philippines national law, which may lead to schools and teachers being wrongly considered as legitimate targets of attack. The country task force verified five cases of extrajudicial killings of school personnel by unidentified perpetrators, which caused fear within the community for the safety of schoolchildren. On 3 February 2012, in Palanas municipality, Masbate province, for example, two armed men shot and killed a teacher in front of the children while classes were being conducted.

III. Implementation of the monitoring and reporting mechanism in the Philippines

38. Since my previous country report on the situation of children in the Philippines, the country task force strengthened its geographic coverage for monitoring and verification activities, and increased awareness among partner organizations about grave violations against children. Furthermore, in May 2010 each member of the country task force formally designated Manila and Mindanao-based monitoring and

reporting mechanism focal points to ensure broad participation of United Nations partners and strengthen field-level engagement. Several training seminars were held in May and October 2012 in order to build the capacity of field-based personnel to proactively collect, document and verify reports. The October 2011 launch of the country task force technical working groups at the Manila and Mindanao levels contributed to the expanded participation of the monitoring and reporting mechanism.

IV. Follow-up to conclusions of the Security Council Working Group on Children and Armed Conflict

39. Ongoing monitoring and reporting mechanism orientations for country task force members and local and international non-governmental organizations were organized to increase awareness and encourage partners to report violations. In 2012 the country task force trained as "first alerts" more than 530 national human rights lawyers and investigators, government front-line workers, civil society partners and humanitarian staff stationed in conflict-affected areas throughout the Philippines, including areas in the southern Philippines that remain inaccessible to the United Nations. In addition, 526 Mindanao-based security personnel, comprising 479 AFP and 47 Philippine National Police officers and personnel, received training in international humanitarian law, human rights and child protection. With a view to strengthening the capacity of the Government regarding child protection, the country task force and various Government partners, including AFP, agreed to hold periodic meetings, starting in August 2012, to discuss strategies to further institutionalize the Government's inter-agency monitoring, reporting and response system for grave violations against children and to pursue the development of an AFP strategy on children and armed conflict. Serving as the basis for the further development of the monitoring, reporting and response system, the Government has created an inventory of resources and services currently available for victims of grave violations against children. The country task force continues to present specific cases of grave violations to the relevant government partners, including AFP, for their appropriate response.

40. Efforts have been made to amend Republic Act 7610 in order to ensure that children associated with armed groups are not prosecuted. In cooperation with the country task force, the government subcommittee on children affected by armed conflict and displacement of the Council for the Welfare of Children organized a workshop in June 2010 to draft a proposed law for the protection of children affected by armed conflict. The bill seeks to harmonize current legislation and address inconsistencies and gaps, bringing them in line with international standards. The bill seeks to develop a more systematic process of handling children affected by armed conflict and provides a legal framework for the prevention of and response to grave violations against children. The bill, entitled Children in Situations of Armed Conflict (CSAC Bill), was approved on 10 March 2011 by the House of Representatives and similar bills were filed at the Senate level in June 2011. The first hearing on the proposed legislation, held in the Philippine Senate in September 2011, paved the way for the drafting of a communication and advocacy plan for the CSAC Bill in November 2011. Encouraging progress was made when the Philippine Senate organized a technical working group meeting on the CSAC Bill in November 2011 to consolidate all bills filed in the Senate into one single comprehensive bill.

V. Status of dialogue and action plans

Moro Islamic Liberation Front

41. Following the signing in August 2009 of the United Nations-MILF action plan to halt and prevent the recruitment and use of children in Mindanao, MILF appointed a five-person panel for interaction with the country task force on implementation of the action plan. On 20 January 2010, the MILF leadership issued a supplemental general order, reiterating the MILF policy on the non-recruitment of children and setting out sanctions for breaches in the policy and provides for the creation of child protection units within the Bangsamoro Islamic Armed Forces (BIAF), the armed wing of MILF.

42. During her official visit to the Philippines in April 2011, my Special Representative for Children and Armed Conflict met with the MILF leadership to discuss implementation of the United Nations-MILF action plan. The MILF five-person panel agreed to work with the country task force to establish a timeline for the implementation of the action plan and to ensure better compliance measures geared towards MILF base commands. During an initial registration process after the signing of the action plan, more than 500 children were registered by trained community members with the support of the United Nations so as to ensure that these children have access to such basic services as education, health and community programmes in order to prevent their recruitment.

43. The expiry of the United Nations-MILF action plan in July 2011, after two years of implementation, resulted in a significant period of inactivity, pending the signing by MILF of an addendum on an extension of the action plan. MILF continued to express commitment to the principles of the action plan and on 29 April 2013, the MILF leadership agreed to an open-ended extension that paved the way for further cooperation with the United Nations to fully implement the provisions of the action plan. Recent progress in the Government-MILF peace talks also provides an opportunity for the swift implementation of the action plan.

44. In May 2013 a joint technical-level delegation of the United Nations Children's Fund and the Office of my Special Representative for Children and Armed Conflict visited the Philippines to discuss with the Government and MILF the way forward with regard to the full implementation of the action plan. MILF agreed to work with the country task force on a concrete and time-bound operational plan with benchmarks, with a view to implementing all provisions of the action plan. These benchmarks include training and awareness-raising in MILF base commands and other military camps, compliance monitoring through base command progress reports and follow-up on remaining concerns with MILF base commanders.

New People's Army

45. In April 2011, with the support of the Government and the Office of the Presidential Adviser to the Peace Process, my Special Representative met in Manila with members of the NDFP negotiating panel for talks on the possibility of an action plan to halt and prevent the recruitment and use of children by NPA. Subsequently, in January 2012 a technical team from the Office of my Special Representative met with the panel in Utrecht, the Netherlands, for an initial discussion on child protection concerns. NDFP continues to deny that NPA has any children in its ranks and stated that children aged 15 years and older might be assigned to NPA self-

defence and other non-combat units. On 29 June 2012, NDFP issued a unilateral declaration and programme of action on the rights, protection and welfare of children, rejecting the listing of NPA in my annual report on children and armed conflict, their obligations as a non-State armed group under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the provisions of the Paris Principles related to the definition of children associated with armed forces and groups. While NDFP stated its readiness to continue dialogue with the United Nations for the better protection of children, discussions on the preparation of an action plan have yet to resume.

Armed Forces of the Philippines

46. I am pleased to note that the Government of the Philippines is finalizing the implementation of the monitoring, reporting and response system to prevent and respond to specific incidents of grave violations against children. Technical-level meetings co-chaired by the Council for the Welfare of Children and the country task force, which include the AFP Human Rights Office, have opened up regular interaction with the United Nations on prevention and response to grave violations against children.

47. During her official mission to the Philippines in April 2011, my Special Representative was able to gain the commitment of the Department of National Defence and AFP to collaborate in the development of an operational strategy for the protection of children affected by armed conflict. This strategic plan would aim to address concerns about the military use of schools, the alleged association of children with CAFGU, the detention of children allegedly associated with armed groups, the exposure of children encountered in military operations to the public and the media, and the conflict-related sexual and gender-based violence, as well as to set up a process for information-sharing.

48. AFP is also in the process of finalizing draft guidelines on the conduct of operations inside or within the immediate premises of schools and hospitals, which are expected to be launched as an AFP operational directive in the coming months. In addition, with regard to the use of children during military operations, AFP issued directives that prohibit such use of children, assign responsibility to commanders and put in place investigation procedures and corrective measures.

VI. Recommendations

49. I call upon all parties to the conflict in the Philippines to immediately halt all grave violations against children and to put in place measures to prevent further such violations.

50. I welcome the developments in the Mindanao peace process between the Government and MILF, and I encourage both parties to continue their consultations with the country task force towards the integration of child protection issues in the agenda of the peace talks.

51. I encourage the international donor community to provide financial resources in order to assist the country task force to strengthen its human resources capacities for monitoring and reporting, and to provide support for the full implementation of the United Nations-MILF action plan.

A. Recommendations to the Government of the Philippines

52. I welcome the support of the Government with regard to dialogue by the United Nations with non-State armed groups, including MILF and NDFP/NPA, on grave violations against children. I encourage the Government to continue to provide support for the implementation of the MILF action plan.

53. I encourage the Government to continue its dialogue and its cooperation with the country task force on strengthening the capacity of its armed forces to better protect children and prevent violations in conflict-affected areas by integrating international human rights and humanitarian law, notably on child rights and child protection, into relevant training, doctrines, rules of engagement and standard operating procedures and other directives of the military, the police and their auxiliary forces.

54. I call upon the Government to continue to collaborate with and to regularly inform the country task force about progress made regarding the development of an AFP strategy on children and armed conflict, with a view to keeping the Security Council Working Group on Children and Armed Conflict abreast of developments.

55. I commend the development of standard operating procedures for the armed forces in the Philippines in their interaction with schools and schoolchildren as a positive step towards ensuring the protection of children in military operations and recommend further collaboration with the United Nations in the practical implementation of the procedure.

56. I urge the Government to ensure that the amended version of Republic Act 7610 will not include the arrest, detention and/or prosecution of children allegedly associated with armed groups and/or the parents of such children.

B. Recommendations to non-State armed groups

57. I welcome the signing of the extension of the United Nations-MILF action plan to halt and prevent the recruitment and use of children in Mindanao. I urge continued collaboration with the United Nations with a view to implementing all provisions of the action plan as a matter of priority.

58. I urge MILF to reaffirm its supplemental general order of 2010 and ensure that all necessary military personnel and local communities are aware of its provisions, including sanctions for breaching the order.

59. I strongly urge MILF to establish a complaints mechanism through its command structure, instituting a system for reporting alleged violations against children and for follow-up by MILF.

60. I also urge other listed parties who have not done so to enter into dialogue with the United Nations for the purpose of preparing and implementing an action plan to end the recruitment and use of children, including provisions on United Nations access for awareness-raising, response and compliance-monitoring.